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Change of time for filling  
fermenting tubs

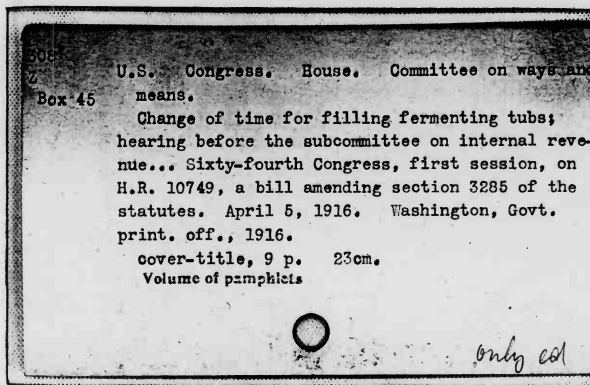
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# CHANGE OF TIME FOR FILLING FERMENTING TUBS

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## HEARING

BEFORE THE

### SUBCOMMITTEE ON INTERNAL REVENUE COMMITTEE ON WAYS AND MEANS

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST Session

ON

H. R. 10749

A BILL AMENDING SECTION 3285 OF THE  
REVISED STATUTES

APRIL 5, 1916



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1916

COMMITTEE ON WAYS AND MEANS.

HOUSE OF REPRESENTATIVES.

SIXTY-FOURTH CONGRESS, FIRST SESSION.

SUBCOMMITTEE ON INTERNAL REVENUE.

ALFRED G. ALLEN, Ohio, *Chairman*.

GUY T. HELVERING, Kansas.

CHARLES H. SLOAN, Nebraska.

JOHN E. WALKER, *Clerk*.

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CHANGE OF TIME FOR FILLING FERMENTING TUBS.

SUBCOMMITTEE ON INTERNAL REVENUE,  
COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., April 5, 1916.*

The subcommittee, at 11 o'clock a. m., proceeded to the consideration of H. R. 10749, Hon. Alfred G. Allen (chairman) presiding.

Present: The chairman and Messrs. Helvering and Sloan.

Mr. ALLEN. Now, Mr. Edmonds, we will hear you on H. R. 10749.

STATEMENT OF HON. GEORGE W. EDMONDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA.

Mr. EDMONDS. H. R. 10749, Mr. Chairman, simply changes the time for filling a fermenting tub, where the distillery using the sweet-mash process wishes to take advantage of it, from 72 hours to 48 hours.

Before introducing this bill I sent it to the department, like the gentlemen who appeared before you in connection with the other bill; they suggested some changes in the wording, but not in the sense of the bill, and said they had no objection to its passage. I am not a distiller and do not know very much about the business, but the bill was introduced by me at the instance of Mr. Publicker, president of David Berg Distilling Co., of Philadelphia, probably the largest independent refiner of alcohol at the present time in this country. They pay the Government between two and three million dollars a year in revenue from their distilling business. They make chiefly alcohol, cologne spirits, and denatured alcohol.

In regard to these gentlemen, I want to say that they started in, I believe, about 15 years ago.

Mr. PUBLICCKER. It was five years ago in the alcohol.

Mr. ALLEN. I think I will put in the hearings at this point of your remarks, Mr. Edmonds, the letter from the department.

(The letter referred to is as follows:)

TREASURY DEPARTMENT,  
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,  
*Washington, February 2, 1916.*

Hon. GEORGE W. EDMONDS,

*House of Representatives, Washington, D. C.*

SIR: I have the honor to acknowledge receipt of your letter dated the 27th ultimo, inclosing draft of a bill further amending section 3285, Revised Statutes, as amended, and requesting to be advised if there is any objection to the enactment into law of the proposed bill.

In reply I would state that there would appear to be no objection to the enactment into law of the proposed bill, or one of like purport.

It is suggested that the proposed amendment be changed to read "unless the distiller, upon giving the proper notice, is granted permission by the Commissioner of Internal Revenue to fill not oftener than once in forty-eight hours."

In the copy of the bill submitted the words "end of the," which appear in section 3285, are omitted in the second line of the second paragraph following the word "the" and before the words "fermenting period."

Respectfully,

DAVID A. GATES,  
*Acting Commissioner.*

Mr. EDMONDS. These people started to utilize amorphous molasses, which up to that time had been shipped out of the country. This was molasses which could not be crystallized, and was a by-product of the sugar refineries, and was mostly shipped out of this country to Holland and France. There was a little used in the country, but its use was not successful, and a great deal was shipped out, and sometimes the refineries just turned it into the river and let it run away.

Mr. PUBLICKER first started to use this molasses, and at the present time he is utilizing it to such an extent that he is bringing molasses into the country from Cuba, bringing in the molasses in tank steamers and tank barges, and he is building up a business which I think deserves your consideration. In the matter of the technical knowledge in regard to the utility of making this 48 hours instead of 72, I think he can tell you, because he is an expert in the business and knows all about it.

**STATEMENT OF MR. PHILIP PUBLICKER, PHILADELPHIA,  
PA., PRESIDENT DAVID BERG DISTILLING CO.**

Mr. HELVERING. I would like to have you make a statement as to what effect, if any, this reduction in time will have, as to the assistance it gives you, and whether it would make any difference in the amount of revenue.

Mr. PUBLICKER. As to the difference it would make in the internal revenue?

Mr. HELVERING. Yes.

Mr. PUBLICKER. We want the change of time from 72 hours to 48 hours, because we find that we can complete our work in that time and we get a better yield from the 48-hour system than we would from the 72-hour.

Mr. ALLEN. Could you do the same thing by using more tubs, or would that be possible?

Mr. PUBLICKER. You mean whether we would be able to increase our capacity by putting in more tubs?

Mr. ALLEN. No. Does the present law require that one tub can be used only once in 72 hours?

Mr. PUBLICKER. Yes, sir.

Mr. ALLEN. So it would not make any difference how many tubs you used?

Mr. PUBLICKER. It could only be used once in 72 hours.

Mr. ALLEN. Only once in 72 hours?

Mr. PUBLICKER. Yes, sir.

Mr. HELVERING. In other words, your tub has to stand empty part of the time?

Mr. PUBLICKER. Yes, sir; and the tub gets foul and in order to have perfect fermentation you have to have your tubs very clean; and the faster we work these tubs the better the results we obtain.

Mr. SLOAN. Does it make any difference in the amount produced out of a given quantity, to begin with?

Mr. PUBLICKER. The amount produced I do not think would be greatly increased; that is, theoretically. But we would be able to use the tubs three times a week instead of two times a week, which would enable us to increase our capacity 50 per cent.

Mr. ALLEN. Why was it placed at 48 hours?

Mr. PUBLICKER. We asked for the 48 hours because that gives us plenty of time to complete our fermentation and empty the tubs according to the regulations—that is, the present 72-hour regulation.

Mr. ALLEN. I meant to ask why was it placed in the present law at 72 hours.

Mr. PUBLICKER. I believe the gentleman before me on the other bill partly explained a great deal of it. That has been the old law used for the production of grain alcohol; and when the molasses people took up the molasses distillation they practically went under the same regulation.

Mr. ALLEN. And they find in distilling molasses that it does not take as long as with the grain; is that the idea?

Mr. PUBLICKER. Some of the distillers do not take as long; some of the other distilleries prefer to have 72 hours. But we feel that we can do a great deal more work by using the 48-hour system.

Mr. ALLEN. Because now your tubs are standing idle part of the time?

Mr. PUBLICKER. Yes, sir; and we have satisfied ourselves and also the Internal-Revenue Department down here, that we can complete our fermentation in the 48 hours. And furthermore, in introducing the bill, we are not asking to take the right away from any other distillery of using the 72 hours. They can use the 72 hours if they want to.

Mr. SLOAN. Has this reduction from 72 to 48 hours any effect whatever upon the purity or other quality of the alcohol produced?

Mr. PUBLICKER. I believe that we can produce the same quality of goods under the 48-hour fermenting period as we can under the 72-hour period. The only thing it would do—

Mr. SLOAN. For instance, would the alcohol produced keep as well and be as reliable in producing heat and power, and so on, as that which had gone through the longer process of distillation?

Mr. PUBLICKER. Yes, sir; the Government records will show we have been completing our fermenting period in less than 48 hours for years.

Mr. SLOAN. And it meets the Government proof for this product?

Mr. PUBLICKER. Yes, sir; it meets the Government proof and the regulations. The difficulty we get into at the end of the month, when we set our tubs—they are set 72 hours before the beginning of this month. In other words, it means if there are 30 days in this month, we would set our tubs on the 28th and these tubs are not permitted to be drawn or emptied before the 72-hour period runs out, or before the coming month arrives; that is at 1.10. And in order to carry beer over until that time that beer is liable to get bad and there is a big loss to the Government and to ourselves. We have found on several occasions that that beer was not fit to be turned into taxable alcohol, due to the fact that certain objectionable odors have grown into the mash. In other words, when the beer gets stale, it

produces formaldehyde and that is a hard thing to get out of the alcohol through distillation; but if we get the 48-hour law passed, we would be able to drop our tubs just that much sooner and we would overcome that objectionable feature.

Mr. SLOAN. Would this be any advantage whatever to the alcohol producers who confine their product to grain alcohol, or only to those who use this amorphous molasses?

Mr. PUBLICKER. I can not truthfully answer that question; I am not in the grain part of the business. But it would be advantageous to all molasses distillers if they did not want to have too large a plant, if they wanted to work their plant a little faster.

When I took this question up with the revenue department at first—well, I do not think any of them objected to it from the start; they felt it was an improvement in the Internal Revenue Department. In fact, several of the people were very anxious to see that we go right ahead with the bill, because it increases the producing capacity 50 per cent under the same Government supervision.

Mr. ALLEN. This proposed bill, then, would only relate to the sweet-mash distillers?

Mr. PUBLICKER. Exclusively to the sweet-mash distillers.

Mr. EDMONDS. It does not change the time, Mr. Chairman, as to the others.

Mr. ALLEN. The thing I was trying to get at is, does this amendment to the law come from those only who distill alcohol from molasses?

Mr. PUBLICKER. We are the only—I do not think that the amendment has been recommended to me by any one; that is, any outside distillers. We took that matter up ourselves.

Mr. ALLEN. What I mean is, the grain distillers would not be interested in it, would they?

Mr. PUBLICKER. I can not answer that question for the grain end. I am not acquainted with it, but I should think even the grain people could cut down their fermenting period; although I do not know.

Mr. ALLEN. All you are interested in is an amendment to the law that would permit you as a distiller of molasses to empty your tubs every 48 hours?

Mr. PUBLICKER. Yes, sir; or any other distiller who may apply to the Commissioner of Internal Revenue for permission.

Mr. ALLEN. Oh, yes. When I say "you," I mean as a class.

Mr. PUBLICKER. Yes, sir.

Mr. EDMONDS. I guess you are the only molasses distiller in the country, are you not?

Mr. PUBLICKER. Oh, no, sir. There are several of them now.

Mr. SLOAN. When did they begin this work—in the last two or three years—this production of alcohol largely from molasses?

Mr. PUBLICKER. We started in 1911. There had been other distillers before we got into the business who had done that work also. They produced alcohol from molasses brought in from Cuba. We began to buy our molasses from the sugar houses in Philadelphia.

Mr. SLOAN. Do you make denatured alcohol?

Mr. PUBLICKER. Yes, sir.

Mr. SLOAN. Is the production of denatured alcohol being largely increased in this country?

Mr. PUBLICKER. In my opinion denatured alcohol is just about in its infancy in this country. The trade is growing a great deal larger every year.

Mr. EDMONDS. I would just like to state that I am a chemist myself, although I have not practiced for a number of years, and I want to answer Mr. Sloan. The alcohol they make has to be right; it is all subject to test and they can not sell it without it fits certain trades or uses to which it is put. It does not make any difference whether they make alcohol from grain or make it from molasses or anything else; it has to be right.

Mr. ALLEN. It has to be a certain proof?

Mr. EDMONDS. Yes. They make cologne spirits and the best grade of denatured alcohol.

As I understand this proposition, these men have a law that allows them to use these vats once every 72 hours. They find, after going into the business and working hard at it, that they can reduce the use of those vats to less than 48 hours. If they let the tub stand, it sour, and therefore the next batch is apt to be spoiled.

Mr. ALLEN. You said 48 hours; you mean 72?

Mr. EDMONDS. Yes; if they have to let it stand empty for 24 hours it is apt to spoil or is not so good; they have to work with a great deal of care, and even after they have had a man clean the vat, he might leave a little particle of fungus or spore which would spoil the next batch. But if they could use the vat continuously, they would then not have that condition to contend with and the vat would always be clean.

Then, as far as the Government is concerned, I understand they have seven—

Mr. PUBLICKER. There are seven storekeepers and gaugers at our plant; that is during the day.

Mr. EDMONDS. And one at night?

Mr. PUBLICKER. And one at night.

Mr. EDMONDS. Now, then, these men are watching the plant all the time and it will not require any increase in the force.

Mr. SLOAN. Speaking of the 72-hour period and the souring of the vats or tubs in the extra 24 hours over the 48, would that souring probably take place if the distillation was from grain the same as it does from molasses?

Mr. EDMONDS. I think it would. I am not an expert in the business. Would it take place just the same, Mr. Publicker?

Mr. PUBLICKER. I suppose it would. Any tub if it is empty will create acidity and the acidity is very injurious.

Mr. SLOAN. That is, there is nothing particularly in the form of your basic product or its condition that would especially sour the tubs that would not also take place in the other; it is more a matter of giving some class a little advantage over another which perhaps we ought to consider.

Mr. PUBLICKER. I do not think there is any doubt but what it would happen in any tub. I think it would happen in the beer brewery, if they leave their tubs stand idle so that some of this slime or whatever it is that may be wrong can get in the tub, it is apt to sour and spoil the beer. And you know how a little yeast grows, even a very little, when it is left in a crack; and a little of that might spoil the tub if it got to working and was very active.

Mr. ALLEN. Would this act require any additional supervision by the Internal Revenue Bureau?

Mr. EDMONDS. Mr. Publicker says not and I believe that is right; because they have men stationed there and I do not see why they can not watch a full vat just as well as an empty vat; and it also gives this privilege, if the grain man can do it in 52 hours, he can get permission to do it; if he can do it in 48 hours, all right, or if he can do it in 60 hours, all right. It does not stop a man at 72 hours, but he can change his time, I imagine, under this bill, anywhere from 72 to 48 hours. Therefore it means an increased product from the reduction of time, without any expense, and a cheaper product for the people at large if it can be worked out. I do not see any objection to it and the Internal Revenue Bureau does not see any objection to it. Of course, there may be some technical objection.

Mr. SLOAN. Your bill simply gives the internal-revenue commissioner the right to reduce the time from 72 to 48 hours?

Mr. EDMONDS. Yes.

Mr. SLOAN. But beyond that he could not reduce it?

Mr. EDMONDS. He could not reduce it beyond that.

Mr. SLOAN. And special circumstances would have to be presented to him to get it reduced from 72 down to 48 hours?

Mr. EDMONDS. He has to be satisfied that the man can turn out the product properly in that time, and I have no doubt he will. And, as I understand Mr. Publicker, he says they can make it in 3 or 4 hours less than that.

Mr. PUBLICKER. The actual time it takes us to complete our fermentation is about 30 hours; but if anything should happen on account of a breakdown, so that we would be obliged to carry one tub over, we asked for the additional time so that we can get the stuff out in time and wash our tub and prepare for the next filling. We have the right now to drop our tub at any time within 72 hours and we do that; but you see our tubs are idle—

Mr. ALLEN. Until that period expires?

Mr. PUBLICKER. Yes, sir.

Mr. EDMONDS. We are simply asking to bring the present law up to modern conditions; that is all.

Mr. SLOAN. In order to get 50 per cent more work out of your tubs?

Mr. EDMONDS. Yes.

(Thereupon, at 11.20 o'clock a. m., the subcommittee adjourned.)

(Letter submitted by Mr. Philip Publicker, president David Berg Distilling Co., Philadelphia, Pa.)

DAVID BERG DISTILLING CO.,  
Philadelphia, April 10, 1916.

Hon. Mr. ALLEN,

House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty in writing you this letter in order to acquaint you with the principal reasons for our desiring to amend section 3285 of the Revised Statutes.

While we are permitted to empty our fermenting tubs any time within the 72-hour fermenting period, we are only permitted to fill these fermenters once in 72 hours, and our actual fermenting period is between 30 and 35 hours. We are, therefore,

obliged to keep our tubs empty until the actual fermenting period of 72 hours is completed. In doing this the fermenters are rendered foul, and it is absolutely necessary that we put in a great deal of extra work in washing and cleaning these tubs, which could be avoided if the amendment is approved and passed.

We also beg to state that as our fermenting period starts 72 hours before the 1st of the month, we are obliged to carry the tubs 72 hours before dumping same. In this way the beer is rendered unfit for beverage spirits or pharmacopoeia alcohol, and we always find it necessary to denature this material. We feel that this could also be avoided if the amendment is passed. Furthermore, we beg to state that a change of this kind at this time would be very desirable, due to the fact that we could increase our capacity 50 per cent with the same amount of fermenters that we now have at our plant. We feel quite sure that in carrying on a 48-hour fermenting period our yields would be a great deal higher and our product a great deal better than that we are producing at the present time.

Trusting that you will see your way clear to recommend the passage of this bill, we beg to remain

Very truly, yours,

DAVID BERG DISTILLING CO.  
PHILIP PUBLICKER, President.

#### APPENDIX A.

#### BILL UNDER CONSIDERATION.

H. R. 10749, Sixty-fourth Congress, first session, introduced by Hon. George W. Edmonds, of Pennsylvania.

A Bill Amending section thirty-two hundred and eighty-five of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section thirty-two hundred and eighty-five of the Revised Statutes be amended to read as follows: "That every fermenting tub shall be emptied at or before the end of the fermenting period; no fermenting tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours unless the distiller, upon giving the proper notice, is granted permission by the Commissioner of Internal Revenue to fill not oftener than once in forty-eight hours; nor in a sour-mash distillery oftener than once in ninety-six hours; nor in a rum distillery oftener than once in one hundred and forty-four hours; nor in a distillery where the filtration-aeration process is employed—that is, where the mash, after it leaves the mash tub, is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, and the approval of the Commissioner of Internal Revenue being secured, oftener than once in twenty-four hours. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

20986



**END OF  
TITLE**